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NOTES ON CURRENT LEGISLATION¹

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The year 1906 is an off year in State legislation. Only six States have annual sessions and of the forty-one States having biennial sessions all but eight hold their sessions in the odd-numbered years. Regular annual sessions were held in Georgia, Massachusetts, New Jersey, New York, Rhode Island, and South Carolina; regular biennial sessions in Iowa, Kentucky, Louisiana, Maryland, Mississippi, Ohio, Virginia,² and Vermont. Special sessions have also been held in California, Delaware, Illinois, Kentucky, Pennsylvania, and Texas. In California the legislature was called in extra session to enact emergency measures necessitated by the San Francisco earthquake and fire. In Delaware the legislature was convened in special session to elect a United States senator, an agreement having been reached between the party factions that had caused the deadlock at the 1905 session. The special sessions in Illinois and Texas were called to correct defects in the primary laws. In Kentucky the governor called the legislature back in extraordinary session immediately upon the adjournment of the regular session to pass an act taxing rectifiers and blenders of distilled spirits. He said in his message: "A powerful interest, present with its astute and capable representatives, has been able for a week or more to block all legislation upon the important question of your revenue affairs, and as chief executive I give you this opportunity to determine whether or not this industry shall bear its just proportion of the burden of taxation." An act was accordingly passed placing a tax of $1\frac{1}{4}$ cents per gallon on rectified or adulterated distilled spirits. Governor Pennypacker, of Pennsylvania, summoned the legislature in extra session in January, 1906, for the express purpose of turning to account in constructive legislation the reform

¹In subsequent numbers of the REVIEW the legislation of foreign countries, particularly Great Britain, Canada and Australia, will receive more extended treatment.

²To October 1, 1906.

wave then at its height. He says: "A wave of popular and political unrest and commotion has spread over the land and left its impress in our own Commonwealth as well as elsewhere. Such upheavals, to whatever causes they may be due, are to be regarded not as disasters, but as opportunities. It is at such times that much can be accomplished by wise legislators to enhance the public weal."

The record of the ensuing short special session bears convincing proof of the governor's wisdom in selecting the psychological moment for progressive legislation.

And not only in Pennsylvania but in other States it was found that the legislature which in former years had stood like adamant against all demands for reform, left an admirable record of achievement in the interest of the general welfare. The national congress, too, which has seldom been able to grapple with more than one big measure a year, was suddenly imbued with unwonted activity and has left a record of constructive and progressive legislation, probably never before equaled by that body. It is interesting to speculate as to what might have been the total result if the governor of each State had followed the example of Governor Pennypacker in summoning the legislature in extra session and submitting to it a definite program of reform. But the reform tide is apparently still at flood and with most of the legislatures meeting in January of 1907, we may confidently look forward to a strenuous legislative year. Forty-one States and Territories, including Porto Rico, will hold regular sessions during 1907.

CONSTITUTIONS. The people of Michigan voted in April to hold a constitutional convention. The legislature which meets in January will provide for the election of delegates. The present Constitution was adopted in 1850 and several previous attempts to secure a constitutional convention have failed. Maryland will vote in November, 1907, on the question of a convention to revise the Constitution ('06, ch. 786). An amendment to the Oregon Constitution was proposed by the initiative petition and adopted June 4, 1906, which requires resolutions providing for the calling of a constitutional convention to be submitted to the vote of the people and also changes the procedure for the adoption of constitutional amendments by doing away with the necessity of referring an amendment to a succeeding legislature prior to its submission to the people. This shortens the process by two years. An amendment may now be proposed by the

legislature and submitted to the people at the next general election or at a special election held for the purpose; or it may be proposed by initiative petition and submitted to vote without recourse to the legislature. A majority of the votes cast on the amendment are sufficient for its adoption. A more expeditious method of amendment could scarcely be devised.

One and possibly two new States will come into the Union through the passage by congress of an enabling act for the admission as one State of Oklahoma and Indian Territory and of Arizona and New Mexico ('05-'06, ch. 234).

The even years, though off years as to legislative sessions, are the reverse as to the submission to the people of constitutional amendments, as most States have their biennial general elections in November of the even years. About fifty amendments will be voted on at the November elections of 1906.

STATUTES. Mississippi has adopted a complete revision of its general laws ('06, ch. 101). The new code is to be printed by October 1, 1906. Revision commissions have been appointed in Ohio ('06, p. 221) and Rhode Island ('06, ch. 1363). Dr. G. W. Scott, law librarian of the Library of Congress, has been authorized to prepare an index to the Statutes at Large and to "prepare such other indexes, digests and compilations of law as may be required for congress and other official use." \$5840 is appropriated. Governor Warfield of Maryland recommended that means be provided "by which expert information can be collected for the use of the members of the legislature * * * thus enabling them to keep track of effective legislation in other States and communities."

CIVIL SERVICE. The legislature of Pennsylvania, though failing to pass a State civil service law, as recommended by Governor Pennypacker, passed an act applying to Philadelphia only ('06, ch. 18). The act provides for the appointment by the mayor of three commissioners, not more than two of whom may be of the same political party. The examination for employment as laborers "shall relate to their capacity for labor, their habits of sobriety and industry, and their experience in the kind of work for which they apply." The probationary period is three months. No clerk or employee in either the competitive or the non-competitive class may be removed or reduced in pay or position except for just cause, stated in writing and to which he shall have been given opportunity to make written answer. Veterans of any war of the United States, their widows and children are

entirely exempt from the provisions of the law. The idea of giving special preference to the children of veterans is a rather startling innovation. A supplementary act makes it a misdemeanor for an officer or employee to solicit or receive contributions for political purposes ('06, ch. 6). Governor Herrick, of Ohio, recommended the adoption of the merit system and Governor Montague, of Virginia, recommended its application to the treasury department and to employees in the insane hospitals and the penitentiary.

One of the important acts of congress was that providing for the reorganization of the consular service ('05-'06, ch. 83).

LOBBYING. New York has passed an act ('06, ch. 321) providing for the registration of legislative counsel and agents and for a statement of payments made to them by the person or corporation in whose interest they act. This law is based on the earlier laws of Massachusetts (1890), Wisconsin (1899), and Maryland (1900). The "docket of legislative appearances" is kept by the Secretary of State. Counsel and agents must register before acting as such and must state the name of their employer and give a brief description of the legislation in reference to which they are employed. Within two months of the adjournment of the legislature it is the duty of every person or corporation incurring any expense directly or indirectly in connection with legislation to file a detailed statement of the same including the names of the payees and the amount paid to each. A possible loophole has already been made evident in this latter provision by the filing of several statements stating merely that the agent employed had not yet rendered his bill. Compensation contingent on the passage or defeat of any legislative measure is prohibited. It is provided that the act shall not be construed to apply to professional services in drafting bills, or in advising clients, or in rendering opinions as to the construction and effect of proposed legislation. The act does not go to the extent of the Wisconsin law which by an amendment of 1905 (ch. 472) makes it unlawful for any legislative counsel or agent to attempt to influence any legislator personally and directly otherwise than by appearing before the regular committees, or by newspaper publications, or by public addresses, or by written or printed statements, arguments, or briefs delivered to each member and twenty-five copies first deposited with the Secretary of State.¹

¹For a brief digest of State and foreign laws and decisions relating to lobbying, see Wisconsin Legislative Reference Department, Comparative Legislation Bulletin No 2, *Lobbying* by Margaret A. Schaffner.

In New Jersey a special House committee on lobbying, of which Everett Colby was chairman, submitted a report¹ recommending the enactment of a lobby law similar to those of Massachusetts, Wisconsin, and Maryland. The committee also states that the lobby evils can be diminished by the enactment of a corrupt practice act and by the adoption of a semi-judicial procedure in the consideration of bills affecting corporate interests and privileges. President Roosevelt, in his message, said that there should be both State and national laws forbidding the use of money by corporations in connection with legislation save for "the employment of counsel in a public manner for distinctly legal services."

DIRECT LEGISLATION. Oregon is the first State to put the initiative and referendum to practical test. At the general election in June, 1904, and again in 1906, most important measures were legislated upon directly by the people. In 1904 a direct nomination law and a local option liquor law were adopted on initiative petition, and in 1906 eleven propositions were submitted to the people, one on the referendum petition and ten on the initiative petition. In the case of the referendum vote the action of the legislature was sustained and of the ten measures submitted by the initiative three were rejected and seven adopted. One of the measures adopted was found to be defective, doubtless fatally, in that it was minus an enacting clause. Five of the measures submitted were constitutional amendments. One of the amendments adopted extends the direct legislation system by providing that the referendum may be demanded on any item, section, or part of an act, and by giving to the legal voters of every municipality and district the right to exercise the initiative and referendum as to the affairs of their respective localities even to the extent of vetoing any special act passed by the State legislature. This amendment was adopted by a vote of 47,678 to 16,735. Seattle, Washington, has adopted the recall by a vote of 9312 to 1271. On petition of 25 per cent of the voters a special election will be held to decide whether a designated elective official shall continue in office or shall be replaced by another more acceptable to a majority of the voters.

NATURALIZATION. In accordance with the recommendations of the Naturalization Commission, Congress passed an act ('05-'06, ch.

¹Report of committee appointed to investigate Rules and Regulations Affecting the Privileges of Lobbyists. 50 pp. Trenton, N. J., 1906.

338), "To establish a bureau of immigration and naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States." Jurisdiction to naturalize aliens is restricted to United States courts and State courts having jurisdiction in civil actions in which the amount in controversy is unlimited.

ELECTIONS. Kentucky ('06, ch. 55) has submitted to vote in November, 1907, a constitutional amendment providing as a qualification for voting the payment of all taxes due for the previous year, at least 60 days prior to the election. In Oregon a constitutional amendment providing for woman suffrage was proposed by the initiative petition and defeated at the polls, June 4, 1906. The vote was 36,902 for, to 47,075 against. The same question had been voted on twice before in Oregon, once in 1884 and again in 1900. In 1884 the vote was 11,223 in favor, to 28,176 against; in 1900 it was 26,265 in favor, to 28,402 against.¹

The provision in the Ohio election law to discourage endorsements and fusion by providing that the name of a candidate nominated by two or more parties could appear but once on the ballot, has been repealed ('06, p. 176).

Rhode Island has revised its laws relating to voting machines ('06, ch. 1349). The law contemplates the purchase of machines by the State for use in State elections. It also empowers cities and towns to purchase or lease machines.

The people of Pennsylvania have long been attempting to secure the enactment of a personal registration law to correct flagrant election abuses in the large cities. After long effort they secured the submission by the legislature and the adoption of a constitutional amendment in 1901 permitting the passage of special laws regulating registration in the various classes of cities. Though the adoption of this amendment was an unmistakable indication of the desire of the people for a personal registration law, the legislatures of 1901, 1903, and 1905 refused to pass such a law. The special session summoned under the influence of the reform wave, however, quickly passed laws requiring and regulating personal registration in cities of the first three classes ('06, ch. 12, 13).

CORRUPT PRACTICES. Pennsylvania ('06, ch. 17) and New York ('06, ch. 502, 503) enacted advanced corrupt practices acts. New

¹*Independent*, July 26, 1906, p. 198.

York was the first State to require candidates to file a statement of expenditures, having passed a law of this character in 1890. The fact that the law failed to define legitimate expenditures, required no statement from political committees, and provided no means of auditing the statement submitted, rendered it practically useless. The new law aims to correct these defects. The candidate or any other individual may directly incur only certain strictly limited personal expenditures. All other expenditures must be made through a candidate's authorized agent or through the treasurer of a political committee. The treasurer of each political committee receiving or disbursing *more than \$200* must file a detailed statement of receipts and disbursements. Such statement in each case must include "the amount received, the name of the person or committee from whom received, the date of its receipt, the amount of every expenditure or disbursement *exceeding \$10*, the name of the person or committee to whom it was made, and the date thereof; and *unless* such expenditure or disbursement shall have been made to another political committee, it shall state clearly the purpose of such expenditure or disbursement." The Association for the Prevention of Corrupt Practices at Elections strongly opposed the exemptions, as shown by the italics above, claiming that they made a complete farce of the law. Provision is made for a judicial inquest to determine the sufficiency and correctness of the statements filed, and a fine of \$1000 or imprisonment for one year or both may be imposed. The Pennsylvania act contains similar provisions. The exemption allowed is not so large as in New York, the act applying to all committees whose receipts or disbursements exceed \$50, instead of \$200 as is the case in New York. Moreover, all disbursements must be reported, though vouchers need not accompany amounts of \$10 or under. The act also prohibits the disbursement of any money received from an anonymous source. The laws of both New York and Pennsylvania limit quite strictly the purposes for which expenditures may be made. The New York law forbids contributions to campaign funds by candidates for judicial office, this provision being due to the scandal arising from the practical sale in many instances of judicial nominations at enormous prices. The Pennsylvania act and in New York a supplemental act ('06, ch. 239) prohibit contributions from corporations. While the New York act ('06, ch. 503) specifically legalizes disbursements for "the pay of newspapers for advertisements, pictures, reading matter and addi-

tional circulation," a New Jersey law ('06, ch. 208) takes quite the opposite stand. The New Jersey act in defining the crime of bribery makes it include: "The payment for the insertion in any newspaper or magazine of any article tending to influence any voter; provided, however, that this prohibition shall not be construed to prohibit the insertion of paid advertisements, which advertisements shall be indicated by the words 'This advertisement has been paid for by ——' (inserting the name of the person or persons paying for the same)." New Jersey following the recommendation of Governor Stokes has provided as a penalty for giving or taking a bribe, disfranchisement for five years. A witness testifying, though himself the giver or taker of the bribe, is granted immunity ('06, ch. 206).

The governors of Maryland, New Jersey and Ohio recommended the enactment of corrupt practices acts, but without result; and Governor Guild's recommendation for a thorough revision and strengthening of the Massachusetts act met a like fate.

PRIMARY ELECTIONS. Political parties in certain counties of Pennsylvania have long experimented with the direct nomination system. In Crawford county it has been used by the Republican party for more than forty years. Now the system has been made compulsory and universal ('06, ch. 10). The conduct of the primaries throughout the State, moreover, has been taken out of the hands of the parties. Hereafter the primaries of all parties will be held on the same day, at the same place, and under the control of the regular election officials. Congressmen, members of the legislature, county and city officials and other officers, except State, borough and township officers, are nominated at the primaries. Delegates to State and national conventions are also directly elected in the same manner. Candidates for nomination are placed on the ballot by petition. A separate official ballot is provided for each party. A voter may ask for the ballot of any party but if challenged must swear that "at the next preceding general election at which he voted, he voted for a majority of the candidates of the party for whose ballot he asks."

In Illinois the general primary law of 1905 was declared unconstitutional (*People v. Election Commissioners*, 77 N. E., 321) and Governor Deneen summoned the legislature in extra session to enact a new measure. The new act (approved May 23, 1906) is uniform for the entire State. Primaries are held for all parties at the same place and time under the supervision of the regular election officers. At this

primary delegates are elected to State, congressional, senatorial, county, municipal, and other conventions, and candidates for nomination are voted upon, for all elective State and county offices and for all municipal offices to be filled at the November election. Opportunity is also afforded for ascertaining the sentiment of the voters in the respective parties upon candidates for United States senator, such expression of course to have no binding effect upon the legislature. An official primary ballot for each party is furnished at public expense, containing in alphabetic order under each office names of all candidates for nomination. Separate delegate ballots are furnished at private expense for each list of delegates desirous of representing a particular party. A qualified voter may receive the primary and delegate ballot of any party, but if challenged must swear that he is a member of and affiliated with the party, and that he has not voted at a primary of any other political party within a year. A day is prescribed for the holding of each kind of convention, uniform throughout the State. County conventions must be held the first Thursday after the election; senatorial conventions the second Tuesday (except in certain cases the first Thursday); congressional conventions the second Thursday; State conventions the third Tuesday. This uniformity does away with "snap conventions" and numerous opportunities for machine manipulation and sharp practice.

Any candidate for nomination to any State, congressional, or senatorial office who receives a plurality of the votes cast in any delegate district shall have cast for him the votes of the delegates from such district for at least the first ballot. There is no provision whatever in the law as to how votes cast at the primaries for county and municipal officers shall be counted in the convention. Nominations are made by majority vote of the delegates elected to each convention.

Governor Pattison, of Ohio, recommended that attendance and voting at the primary election be made a qualification for voting at the following general election. Direct nominations were advocated, but without result, by the governors of Iowa, Maryland, and Ohio. Governor LaFollette, of Wisconsin, recommended an amendment of the direct nomination law so as to provide for the expression of the voter's second choice in cases where there are more than two candidates and thus correct the evil of plurality nominations. The bill introduced to carry into effect this recommendation was not passed.

BALLOTS. The Wisconsin act of 1905, submitting the question of the use of the pocket ballot and coupon voting system, was rejected by the people at the election held in April, 1906. Bills providing for ballot reform and the abolition of the present provision for voting a straight ticket without making a cross after the name of each candidate, failed to come to a vote in the New York legislature. In Iowa, however, the party circle was abolished and the voter will hereafter have to place a mark opposite the name of each candidate for whom he desires to vote ('06, ch. 44).

TAXATION. New York has created a special commission of fifteen members to investigate the subject of taxation. Hon. Warner Miller is chairman and Prof. Edwin R. A. Seligman is a member of the commission. The commission will report to the legislature of 1907. After but a year's trial New York has repealed its annual tax of one-half of one per cent on mortgages and substituted a recording tax at the same rate ('06, ch. 532). The Allied Real Estate Interests organized a powerful opposition to the annual tax. The first repeal bill was vetoed by the governor, and the amended bill, passed by a two-thirds majority, was signed by the governor because of the fact that he considered this second passage practically equivalent to its passage over his veto. The annual tax of one-half of one per cent was similar in principle to the Pennsylvania four mill tax on mortgages and money at interest. Aside from New York, Alabama is the only State that has the recording tax system, having adopted it in 1903, the rate being fifteen cents on the hundred dollars of mortgage valuation.

New Jersey has provided for greatly increased central control over the valuation of property for taxation ('06, ch. 120). The governor is to appoint a county board of taxation consisting of three members for each county. This board is to be a board of "equalization, revision, review and enforcement" of taxes. It is to supervise and control the work of the assessors and, subject to the approval of the State Board of Equalization, to prescribe rules and regulations for their government. The County Board serves also as a board of appeal from which appeal may in turn be taken to the State Board. Members of the County Board may be removed by the governor for cause. An assessor failing to comply with the law may on complaint of a county board be removed by the State Board.

Quebec passed an act ('05, ch. 15) taxing stock transfers which was

approved just a month after the approval of the New York stock transfer tax act ('05, ch. 241). The Quebec act has now been revised ('06, ch. 12). The New York act, owing to the great activity in the stock market, has proved a great success as a revenue measure, yielding during the first year \$6,233,498.58.

In accordance with the recommendation of Governor Pattison, the Ohio legislature repealed the act passed in 1904 (p. 398), levying a tax of 2 per cent on inheritances passing to direct heirs. The collateral inheritance tax of 5 per cent enacted in 1893 is still in force. A direct inheritance tax varying from 1 to 5 per cent according to the entire amount of property left had been passed in 1894, but was declared unconstitutional in 1895. Kentucky ('06, ch. 22, art. 19) passed a law levying a collateral inheritance tax of 5 per cent with a \$500 exemption. The Quebec inheritance tax has been revised ('06, ch. 11). The rate of the tax varies from 1 per cent to 15 per cent increasing according (1) to remoteness of relationship, (2) to total amount of estate, (3) to amount passing to one person.

In New Jersey the advocates of "equal taxation" as applied to railroad property have been victorious. The system of taxation adopted, while complex, aims to secure the taxation of the entire property of the railroad at approximately the same rate paid by real estate generally. Hitherto a tax at the rate of one-half of one per cent had been levied by the State Board of Assessors on the total value of real and personal property including the franchise. This State tax was supplemented by a tax for local purposes but assessed by the State Board on branch roadbeds and real property other than that included in the "main stem," *i. e.*, the right of way not exceeding 100 feet in width. The rate of this tax was the same as the local rate on other property, but not more than 1 per cent. Under the new law ('06, ch. 280) the 1 per cent restriction is removed and the assessment is to be made by the local assessors instead of by the State Board. Another act ('06, ch. 82) provides for the assessment of all other property of the railroad (main stem, personalty, and franchise) by the State Board of Assessors at the average rate of taxation throughout the State.

New Jersey has also provided for an annual increase in the rate of the gross receipts tax on street railways from the present rate of 2 per cent to a maximum of 5 per cent ('06, ch. 290). In Oregon laws were proposed by initiative petition and adopted in June, 1906, levying a 3 per cent gross receipt tax on sleeping cars, refrigerator cars, oil and

express companies, and a like tax at the rate of 2 per cent on telegraph and telephone companies. These laws were adopted by an overwhelming vote.

In Maryland the percentage taxes on the gross receipts of all kinds of public service corporations have been materially increased ('06, ch. 712).

The California legislature of 1905 provided for the appointment of a special commission on revenue and taxation. The commission consists of Governor Pardee, chairman, two senators, two assemblymen, and Prof. Carl C. Plehn, of the University of California, who was appointed as the tax expert and secretary of the commission.

The commission has recently made a preliminary report and will make a final report to the legislature of 1907. The commission has made a thorough study of the tax laws of all the States and has compiled statistics relating to the California tax system. The commission strongly recommends the separation of State and local taxation, and in order to accomplish this result it recommends the levying of certain new taxes on corporations. The taxes recommended are as follows:

1. A gross earnings tax on railroads, street railroads, express companies, car companies, light, heat and power companies, telegraph and telephone companies, at rates fixed for a period of ten years by constitutional enactment after which time they may be amended by the legislature, but not more frequently than once every six years. This tax is to be in lieu of all other taxes except taxes on property not necessarily used in the operations conducted by the companies.

2. A tax on shares of capital stock of all banks at 1 per cent of the book value of the stock. The book value is the sum of the paid up capital and the accumulated surplus and undivided profits. This is in lieu of all other taxes except taxes on real estate, the assessed value of which, however, is to be deducted from the capital before the 1 per cent rate is applied.

3. A tax at the rate of 1 per cent on the assessed value of all corporate franchises of every sort not covered by the above mentioned taxes, such franchises to be valued by the State Board of Equalization. This tax also is to be in lieu of local taxes on such franchises.

The commission strongly favors the gross earnings tax as a method of taxing public service corporations. It says, "Taxation according to gross earnings is simple and easy of administration. It is almost automatic in its operation, being the application of a mathematical

rule and not calling for the exercise of wide discretionary powers on the part of any officials. It is certain to yield a steady, increasing revenue. It adjusts itself to the ability of the company to pay the tax, being measured by the fund out of which it is paid. Taxation absolutely just and perfect is only a dream. Taxation on gross earnings as a method for taxing railroads comes as close to perfect equity as any system that can be devised."

The commission maintains that the percentage of gross receipts that should be charged is not a matter of guess work, but a matter that can be determined with great accuracy. The rates should be fixed in the first instance by determining what percentage of the gross earnings will normally equal 1 per cent of the full cash value of the corporate holdings, as 1 per cent of the full cash value is deemed a fair rate on real estate and other property on the tax rolls. Statistics for the determination of a fair rate have been carefully compiled and as a result the commission has determined on certain minimum and maximum percentages for the taxation of each class of public service corporations. These rates are as follows:

	Minimum.	Maximum.
Railroads	4%	6%
Street railroads	6	8
Car companies	4	6
Express companies	2½	5
Telegraph and telephone companies	4	4
Light, heat and power companies.....	5	6½

The commission states that after further investigation it hopes to make a more definite recommendation as to the exact rate to be charged. It says, "The rates are matters which can be determined with almost mathematical accuracy. They should not be fixed by guess work, sentiment or prejudice."

RACING. Kentucky has provided for the creation of a State racing commission, with power to regulate races and to license racing associations. This law is based on a similar New York law, an important difference, however, being that the New York act provides also for a gross receipts tax on racing associations.

RACE PREJUDICE. Kentucky passed an act ('06, ch. 59) popularly known as the "anti-Uncle Tom's Cabin law." The act makes it unlawful to present any play that is based upon antagonism alleged formerly to exist between master and slave, or that excites race prejudice."

POLICE. The law relating to the Providence police board has been amended ('06, ch. 1379) so as to provide for the appointment of the commissioners by the mayor and aldermen instead of by the governor. The police board of Newport, however, is still to be appointed by the governor ('06, ch. 1391).

LIQUOR. The Ohio local option law of 1904, giving residence districts of municipalities the right to decide by vote whether liquor shall be sold, was on the recommendation of Governor Pattison so amended as to allow such districts to prohibit the sale of liquor on the filing and verification of a petition signed by a majority of the voters of the proposed district ('06, p. 68). The petition feature was in the 1904 bill as introduced and was greatly desired by the advocates of the bill. Similar bills have been introduced and strongly pressed for passage by the anti-saloon forces in New York and other States, but as yet without success.

Ohio increased its retail liquor tax from \$350 to \$1000. This tax is uniform throughout the State. The Chicago city council in March, 1906, doubled the saloon license fee, making the rate \$1000 instead of \$500. In Philadelphia the rate is \$1100, in New York \$1200, and in Boston \$500 to \$2000.

New York amended its liquor law with a view to abolishing the fake hotels that have been established to evade the Sunday closing law ('06, ch. 183).

SUNDAY OBSERVANCE. In France and in Canada laws have been enacted providing for Sunday rest. The French law, according to an account in the *Independent* for July 26, provides that wherever the complete closing of an establishment on Sunday would be prejudicial to the interest of the public, the weekly rest may be given for part or all of the year in one of the following ways: (1) on some other day of the week for the whole personnel of the establishment, (2) from Sunday noon to Monday noon, (3) Sunday afternoon with a compensatory holiday by rotation every fortnight, or (4) by shifts in rotation of part or all the employees. These exceptions can only be made by direct authorization of the government. The day of rest by rotation (4) is permitted only to the following establishments: hotels and restaurants; shops for sale of tobacco and fresh flowers; hospitals, asylums and drug stores; baths; newspapers, museums, theaters and libraries; water works, gas works and power plants; transportation other than railroads; and industries dealing with perishable material

or products. In the case of public works of urgent nature, such as the prevention or repairs of accidents, the weekly day of rest may be suspended for the workmen needed. Railroads and steamships are provided for in another law. The Canadian law as summarized by the *Daily Consular Reports* provides that no person shall sell, or offer for sale, or purchase any goods, chattels, or other property, or transact any business on the Sabbath day. Persons may do acts of mercy and attend to religious work, receive and transmit telegraph and telephone messages, and do certain necessary work, and even move trains and vessels and transport passengers on the Sabbath. But no employee is to work on Sunday unless allowed twenty-four hours' rest in the next six days. Games, meetings, etc., are not allowed where a fee is charged. One provision states that "no Sunday newspaper can be brought in for sale on Sunday."

PUBLIC HEALTH. Ohio and New Jersey have provided that the State Board of Health may hold an annual conference of local health officers to which delegates shall be sent by the localities (Ohio '06, p. 205; N. J. '06, ch. 131). Similar conferences or institutes are now held in New Hampshire, Indiana, New York, and Vermont.

The provisions of the pure food law enacted by congress are too well known to require extended notice ('05-'06, ch. 384). The act is designed to prevent "the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors." Proprietary medicines must bear a label, stating the quantity or proportion of "any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloralhydrate, or acetanilid." Massachusetts has passed an act ('06, ch. 386) forbidding the sale of preparations containing cocaine or alpha or beta eucaine except on the prescription of a physician, dentist or veterinary surgeon, and requiring the labeling of preparations containing opium, morphine, heroin or chloralhydrate, or containing alcohol in amount larger than required for use as a solvent or preservative. Maryland has revised its law of 1904 prohibiting the sale of cocaine, morphine, etc., except on prescription ('06, ch. 523).

Iowa passed a general pure food law (06, ch. 166).

The meat inspection law passed by Congress was inserted as an amendment to the appropriation bill for the Department of Agriculture ('05-'06, ch. 382.) The Secretary of Agriculture is given full power to inspect the preparation of meat and meat products intended

for interstate or foreign commerce. "No person, firm or corporation shall transport or offer for transportation and no carrier of interstate or foreign commerce shall transport or receive for transportation. . . any carcasses or parts thereof, meat, or meat food products thereof which have not been inspected, examined and marked as 'inspected and passed.'" Three million dollars are appropriated to carry out the purposes of the act.

Massachusetts ('06, ch. 165) and Virginia ('06, ch. 302) have provided a penalty for spitting on sidewalks or on the floors of public buildings, public halls, stations, boats or cars. This is a subject that has usually been regulated by municipal ordinance, only few States having general statutes on the subject.

The national quarantine law was one of the important measures of the recent congress ('05-'06, ch. 243). Congress has also created a board for the condemnation of unsanitary buildings in the District of Columbia ('05-'06, ch. 138).

MOSQUITOES. New Jersey has taken up the mosquito problem in a determined and energetic manner. By an expenditure of \$350,000 it is planned to clear the entire shore line of the mosquito breeding areas said to be responsible for 90 per cent of the mosquitoes of the State ('06, ch. 134). The law of 1906 is based on the knowledge secured from a systematic survey of the State to determine the feasibility of lessening the mosquito pest. New York also passed an act ('06, ch. 583) empowering local boards of health to order the removal of mosquito breeding areas and providing for the assessment of the cost on property benefited.

FIRES. Kentucky has provided for the investigation of fires by a State fire marshal and by certain local officials ('06, ch. 95). Local officers making investigations report to the State fire marshal. The fire marshal is appointed by the State Insurance Commissioner. New Jersey has passed an act permitting the appointment of an inspector of combustibles and fire risks in cities of the first class ('06, ch. 249).

NIAGARA FALLS. The New York legislature repealed the charters of four Niagara power companies that had failed as yet to exercise their franchise ('06, ch. 266-69).

Congress passed an act ('05-'06, ch. 367) assuming entire control over the diversion of water from the Niagara river within New York State. By its terms corporations then diverting water were com-

pelled to obtain permits from the Secretary of War to continue such diversion. Permits must also be obtained for the transmission of power from Canada into the United States.

CORRUPT COMMISSIONS. Virginia has passed an act to prohibit the corrupt influencing of agents, employees, and servants ('06, ch. 260). Penalties are provided against the giving or acceptance of a commission or gratuity when the same is made with the intent of influencing the agent in regard to purchases, sales, contracts, etc. Massachusetts passed the first law on this subject in 1904 and in 1905 similar laws were passed by Connecticut, Michigan, New York, Rhode Island, Washington, and Wisconsin.

TRUSTS. According to a newspaper account the new Australian foreign commerce act contains radical provisions designed "to counteract the tactics of the American harvester and other trusts." The governor-general is authorized after investigation to prohibit or regulate the importation of goods offered for sale in unfair competition with any Australian goods.

Ohio broadened the immunity provision for witnesses in trust prosecutions ('06, p. 313).

Kentucky has passed an act ('06, ch. 117) permitting persons to combine or pool their crops of wheat, tobacco, and other products, while the Supreme Court of Montana has recently declared unconstitutional the anti-trust law of that State because of its exemption of persons engaged in horticulture and agriculture (*State v. Cudahy Packing Company*, 82 P. 833).

The prevention of the crushing of the small companies by unfair competition is aimed at in an Iowa law ('06, ch. 169). This act provides that petroleum or its products may not be sold in one part of the State at a higher rate than in another, due allowance being made for difference in cost of transportation.

RAILROADS. The passage of the Rate Bill by Congress was the most important and vigorously contested single piece of legislation enacted during the year ('05-'06, ch. 337). Its provisions are too well known to call for further comment.

Ohio reduced the maximum passenger rate from three cents to two cents a mile ('06, p. 4). Virginia passed an act empowering and requiring the State Corporation Commission "to fix and prescribe a schedule of rates for the transportation of passengers by all transportation companies" ('06, ch. 256). Until such a schedule shall be fixed

the act requires railroads to issue mileage books at the rate of two cents a mile. Maryland also requires the issue of mileage books at the two cent rate ('06, ch. 174). A similar proposal in Iowa failed of adoption.

Massachusetts authorized the Board of Railroad Commissioners to require the use of block or other signals for safeguarding public travel ('06, ch. 267).

Iowa enacted an anti-pass bill, prohibiting passes to public officials, party officials, delegates to conventions, and candidates for public office ('06, ch. 90).

TELEGRAPH AND TELEPHONE. Massachusetts has placed telegraph and telephone companies under the supervision of the State Highway Commission and has given the commission power to regulate rates and service ('06, ch. 433).

BANKING. Kentucky has prohibited the business of private banking ('06, ch. 44). The act is apparently induced by an opinion of the Court of Appeals in regard to the equal taxation of banks, incorporation being deemed necessary to secure such equality. Massachusetts has abolished its Board of Savings Banks Commissioners and substituted a State Bank Commissioner ('06, ch. 204). The title of the abolished board was a misnomer as it had supervision over all kinds of banking institutions.

South Carolina has created the office of bank examiner ('06, ch. 64). Recommendations by the governors of Kentucky, Mississippi, and Ohio for State inspection and examination of banks were without result. New York has required trust companies to keep a reserve fund equal to 15 per cent of the amount of deposits ('06, ch. 337). New Jersey has passed a general savings bank act ('06, ch. 195). Governor Pattison, of Ohio, recommended that every officer or director of a bank be required to take oath that he will not engage in any kind of speculation whatsoever.

Virginia has passed a law for the regulation of pawnbrokers ('06, ch. 156). They are required to obtain a license, pay a fee of \$100 therefor, and give bond for \$1000. Specified fees are permitted for investigating the security or title and closing the loan; in addition to such fee only the legal rate of interest can be charged.

LABOR. Authorized by a constitutional amendment adopted in November, 1905, the New York legislature passed an act ('06, ch. 506) restoring the requirement for the eight-hour day and the prevailing

rate of wages on municipal works which had been held unconstitutional by the courts. The State free employment bureau in New York City having practically failed to accomplish the purpose for which it was established, was abolished ('06, ch. 158). In Massachusetts, on the other hand, the chief of the Bureau of Statistics of Labor was directed to establish free employment offices in certain cities ('06, ch. 435). Maryland has limited the hours of telegraph operators engaged in blocking trains to eight hours a day ('06, ch. 454).

CORRECTIONS. New Jersey ('06, ch. 79) has been added to the list of States, now four in number, that have substituted electrocution for hanging in the infliction of the death penalty. New York adopted this method in 1888, Ohio in 1896, and Massachusetts in 1898.

Ohio has abolished the contract system of employing convicts and will employ them in the making of products for the use of the State and local governments and their various institutions ('06, p. 177). Convicts may also be employed in the preparation of all kinds of road material to be furnished to the political divisions at cost. A special commission appointed by the governor in 1900 made a report in November, 1900, recommending that while convicts should be employed primarily in the production of goods for public use, any excess beyond the needs of the State should be sold in the open market. This commission also recommended that power machinery be abolished and that goods be made by hand.

South Carolina has created a board of pardons to consider such petitions for pardons or commutation of sentences as may be referred to them by the governor ('06, ch. 13). The governor is not bound by their recommendation but in case he does not follow it he must submit his reasons to the general assembly.

CHARITIES. Kentucky has established a State board of control for charitable institutions and abolished the former managing boards of the State insane hospitals and of the feeble-minded institutions ('06, ch. 18). Massachusetts has passed an act to provide for industrial training and employment for the adult blind. A State commission for the blind is created ('06, ch. 385).

CHILDREN.¹ The laws looking toward the welfare of children may be roughly grouped under school attendance, juvenile probation and child employment.

¹Contributed by Helen Page Bates, Ph.D.

School Attendance: Massachusetts ('06, ch. 383) has taken a step of great significance both to educational development and child employment in defining clearly the mental training necessary as a prerequisite for employment. Several States have required as a test, ability to read and write "simple English." Massachusetts goes farther and construes "simple English" to mean ability to enter the second grade of the public schools in 1906, the third grade in 1907 and the fourth in 1908. Provision has also been made ('06, ch. 502) for a comprehensive system of medical inspection in every city and town, formerly maintained in a few cities only by the local health boards. Scholars showing signs of illness or returning after absence from unknown cause are to be examined at once. Tests for defective sight and hearing are to be taken regularly by teachers, and courses of instruction and practice as to the best methods of testing are to be introduced into normal schools. The District of Columbia (U.S., '05-'06, ch. 203) has now a compulsory school attendance law for children 8 to 14; habitual truants are to be sent to special schools; the law is to be enforced by truant officers aided by child labor inspectors and probation officers. Maryland in 1904 made education of deaf children compulsory from 8 to 16. The law ('06, ch. 236) now requires the education of both blind and deaf from 6 to 16. There is also provision for a school census of defective children. New Brunswick ('06, ch. 13) has enacted a compulsory school law, subject to adoption by local option similar to laws in effect in Nova Scotia and Manitoba.

Juvenile Probation: The system of juvenile courts and probation has made decided advance by the enactment of original laws in District of Columbia, Kentucky and Massachusetts. Maryland ('06, ch. 807) has appointed a commission to investigate and revise the laws relating to the care of minors, particularly delinquents. The Kentucky law ('06, ch. 64) gives exclusive jurisdiction of children's cases to the county courts; there is provision for both chief and assistant probation officers, also for detention schools modeled after that of Denver, in counties containing cities of first or second class; penalties are prescribed for adults contributing to the dependency or delinquency of children. The Massachusetts law relating to delinquent children follows in the main the Colorado statutes; the court procedure is worked out with special care to avoid any color of criminal proceedings; while the State Board of Charities is given supervision of the system. The Boston juvenile court ('06, ch. 489) starts out well

equipped with a justice, special justices and clerks appointed by the governor and council, with power vested in the justice to appoint both paid and unpaid probation officers. The court is to have exclusive jurisdiction of all cases of delinquent and wayward children in the city. The juvenile court judge of the District of Columbia (U. S., '05-'06, ch. 56) is appointed by the president and senate for a 6 year term with power to select 2 probation officers. The jurisdiction given to the court is extensive, covering violations of United States laws and ordinances of District of Columbia, cases of truancy and of adult delinquency. No commitments hereafter are to be made to any juvenile institution receiving public aid unless dependency or delinquency is first determined by the court. The Michigan juvenile court act ('05, ch. 312) has been held unconstitutional as to its administration in certain counties. (*Hunt v. Wayne*, 105 N.W. 531, Dec., 1905.) Steps, however, have already been taken to remedy this in the next legislature.

In general there is a tendency to raise the age limit of minors coming under jurisdiction of the courts and to make needed provision for detention homes and schools.

Child Employment: Six of the thirteen States holding regular legislative sessions in 1906 enacted laws relating to child labor. Georgia after a fiercely contested battle passed a law August 1. As industrial leader of the South, action taken here, is of import as aiding or furthering advance in other competing Southern States. Protection is extended only to factory children, and the age limit is low, only 10 years, but it is to be raised to 12 in 1907, while night work is to be prohibited in 1908 and an educational test imposed. The Iowa law ('06, ch. 103) gives protection to children in many occupations, following the average age limit and the average number of hours work but the method of enforcement seems decentralized. Kentucky ('06, ch. 52) revises the act of 1902 (ch. 16); the age limit is 14; night work is prohibited; work in canneries and in preparing of tobacco is excepted. Maryland's new law ('06, ch. 192) is an effective revision of that of 1894 (ch. 317). The age limit is 12 in all industries, canneries excluded; the issue of employment certificates is definitely prescribed and enforcement looked out for by appointment of six inspectors and an \$8000 annual appropriation. Massachusetts' law of 1904, imposing a license tax on Boston bootblacks and peddlers, is extended to minors of all cities ('06, ch. 151) and the school

committees empowered to regulate these small industries, frequently made an occasion for truancy and begging. New York ('06, ch. 375) debars children under 16 from mines and quarries. Night work in factories formerly allowed till 9 is now prohibited after 7 p. m. ('06, ch. 490); the same statute marks a signal victory in that, in Buffalo and New York, where previously a child might work till 10 p. m. in stores, offices, restaurants, apartment houses or in messenger service, work is now prohibited after 7 o'clock.

EDUCATION. Wisconsin has appointed a joint legislative committee to investigate the University of Wisconsin. Ohio has passed an act defining the policy of the State as to the development of the various higher educational institutions of the State ('06, p. 309).

Massachusetts has provided that the State Board of Education shall conduct a free teachers' employment bureau ('06, ch. 399). Ohio has fixed the minimum salary of school teachers at \$40 a month ('06, p. 200). Governor Guild, of Massachusetts, recommended the passage of an act for the general medical inspection of school children. To carry out this recommendation a law was enacted ('06, ch. 502) requiring every city and town to appoint one or more school physicians. Congress passed an act fixing the salaries of teachers in the District of Columbia ('05-'06, ch. 254).

Virginia has authorized the establishment of high schools or joint high schools in any district or districts, and has appropriated \$50,000 annually in State aid to such schools. Any district appropriating \$250 or more for a high school, meeting the standards prescribed by the State Board of Education, may receive from the State fund an equal amount but not exceeding \$400 ('06, ch. 211).

Ohio besides increasing the penalties for hazing has made it a misdemeanor for any teacher, superintendent or other person in charge of an educational institution to knowingly permit any act of hazing ('06, p. 124). Congress has also passed an act ('05-'06, ch. 87) regulating hazing at the United States Naval Academy.

MUNICIPAL GOVERNMENT. In Oregon, by a constitutional amendment proposed by initiative petition and adopted by the people, June 4, 1906, the legal voters of every city and town are "granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State." And it is further provided that "the legislative assembly shall not enact, amend, or repeal any charter or act of incorporation for any municipality, city, or town."

The Pennsylvania legislature restored to the mayor of Philadelphia the right to appoint and remove heads of departments ('06, ch. 19).

Ohio enacted a county salary law ('06, p. 89), and New Jersey fixed the salaries of surrogate, register of deeds, county clerk, and sheriff in counties other than those of the first class ('06, ch. 53).

New Jersey provided for a gradual reduction of the local tax rate to one and three-fourths per cent ('06, ch. 116).

Virginia empowered councils of cities and towns to create officers and appoint or authorize the appointment of officers and employees in addition to those expressly authorized by the city or town charter ('06, ch. 24). This will give the councils a much needed control over the municipal administrative organization and will lessen the demand for special charter legislation.

MUNICIPAL UTILITIES. Governor Stokes, of New Jersey, recommended State supervision over the issue of shares of stocks and bonds by public service corporations and an act carrying out this recommendation was enacted. New Jersey also passed an act to enable cities to construct and operate municipal light, heat and power plants ('06, ch. 323). Another act of the same State ('06, ch. 36) provides that franchises may be granted for forty years, but if for more than twenty years the ordinance must be submitted to popular vote.

Massachusetts passed an act ('06, ch. 422) which is subject to the acceptance of the Boston Consolidated Gas Company, fixing a standard price and a sliding scale to be charged for gas by the company. Shortly after the decision of the New York State Gas and Electricity Commission reducing the price of gas in New York City to eighty cents a thousand, an act was passed by the legislature fixing the price at eighty cents ('06, ch. 125). The Consolidated Gas Company has secured an injunction against the enforcement of the reduced rate pending a final decision as to the constitutionality of the act.

The supervision of the New York water supply commission has been extended to water companies ('06, ch. 415).

New York City has been authorized to spend \$2,500,000 in the establishment of a seaside park ('06, ch. 456). New Jersey has authorized cities of the first class to expend \$10,000 for establishing and maintaining fresh air camps and recreation piers.

ROADS. Virginia has created a State highway commission ('06, ch. 73) and also a State convict road force ('06, ch. 74). The high-

way commission is composed of a State highway commissioner, appointed by the governor, and of the professors of engineering in the University of Virginia, Virginia Military Institute, and Virginia Agricultural and Mechanical College and Polytechnic Institute. The commissioner must be a "civil engineer well versed in road building."

All prisoners sentenced to hard labor on the public roads or imprisoned in jail may on requisition of the superintendent of the State penitentiary be detailed to the State convict labor force.

Whenever the local road authorities of any county desire permanently to improve any main traveled road they may apply to the State highway commissioner for his approval of their project. If he approve and they agree to the construction of the road in accord with his plans, he may make requisition on the superintendent of the penitentiary for a sufficient number of convicts to build the road. The convicts remain under the supervision of the superintendent and the road is constructed under the supervision of an engineer employed by the highway commissioner. Materials, tools, teams, etc., are furnished by the local authorities. In case the local road authorities prefer to build the road by contract convicts may be furnished to the contractor.

Laws for the regulation of motor vehicles have been passed or amended in New York ('06, ch. 128), New Jersey ('06, ch. 113), Massachusetts ('06, ch. 353 and 412), Quebec ('06, ch. 13), South Carolina ('06, ch. 55), and Virginia ('06, ch. 299).

Ohio has authorized municipalities to have streets and roads treated with oil for the purpose of laying dust and preserving the roadbed ('06, p. 50).